

# POMERANTZ LLP

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Of Counsel

March 25, 2025

**VIA ECF**

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *In re Medical Properties Trust, Inc. Securities Litigation*,  
No. 1:23-cv-008597-VSB

Dear Judge Broderick:

I represent Plaintiffs in the above-referenced matter. I write to advise the Court of an error in Plaintiffs' brief in opposition to Defendants' motion to dismiss. (Dkt. 32). The brief stated that the Second Circuit's most recent analysis of opinion statements is *New England Carpenters Guaranteed Annuity & Pension Funds v. DeCarlo*, 122 F.4th 28 (2d Cir. 2023). (Dkt. 32 at 15).

In fact, the Second Circuit more recently addressed opinion statements in *In Re Shanda Games Ltd. Securities Litigation*, 128 F.4th 26, 43-47 (2d Cir. 2025). In doing so, *Shanda Games* cited an earlier Second Circuit opinion in the *DeCarlo* appeal that was subsequently amended and superseded on rehearing. *See* 128 F.4th at 44-45 (citing 80 F.4th 158 (2d Cir. 2023)).

Notwithstanding the error, Plaintiffs respectfully submit that *Shanda Games* also supports their argument that an opinion statement is actionable if it does not rely on an acceptable accounting method. *See* 128 F.4th at 45; Dkt. 32 at 15-16.

Respectfully submitted,

/s/ Jonathan D. Park

Jonathan D. Park

cc: All counsel of record (via ECF)

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